

Death and Burial Benefits

BEN

Information for Beneficiaries from the Division of Workers' Compensation

Death and Burial Benefits

[Sections 408.181 – 408.187, Rules 132.1 – 132.17]

Death benefits replace a portion of lost family income for eligible family members of workers killed on the job.

Burial benefits pay for some of the deceased workers' funeral expenses to the person who paid the funeral expenses.

Payment of income or death benefits can be made to your beneficiary by:

- (1) check, or
- (2) electronic fund transfer (EFT).

To be eligible for electronic funds transfer, your beneficiary must be expected to receive benefits for at least eight (8) weeks. To receive payment by electronic funds transfer your beneficiary must make the request in writing to the insurance carrier and provide:

- the name of the financial institution;
- the type of account (checking or savings);
- the routing/transit number; and
- the account number you want benefits electronically transferred to.

When Death Benefits Begin and End

A beneficiary becomes eligible for death benefits the day after the worker's death. Death benefits end depending on the beneficiary's qualifications.

Death benefits are paid if there is a:

- surviving spouse;
- dependent child;
- dependent grandchild; or
- other eligible dependent family member

of an employee killed on the job. Except for the spouse and minor children, other family members must have been at least 20 percent dependent on the deceased worker's income to receive death benefits.

This publication is a summary and is presented for informational purposes only. It is not a substitute for the statute and Division rules. For questions about Division rules, please call Customer Assistance at 1-800-252-7031. CS05-010C(11-06)

Eligible Beneficiaries

A spouse is eligible to receive death benefits for life unless he/she remarries. Upon remarriage, the insurance carrier will pay a two (2) year (104 weeks) lump sum payment. If there are minor children, the benefit is divided between the spouse and the minor children. One half is paid to the spouse and the other half is divided equally among the children.

Eligible children can receive death benefits until age eighteen (18) or twenty-five (25) if enrolled as a full time student in an accredited college. If there is more than one minor child, as a child loses eligibility the benefits are re-distributed among the other eligible children.

A dependent child, such as a stepchild or dependent child, over the age of 18, is only entitled to benefits for 364 weeks unless the child has a physical or mental disability. In this instance, benefits are paid until the child no longer has a disability.

If the grandchild is a minor at the time of death, benefits are paid until the child is no longer a minor. If the grandchild is not a minor but a dependent of the deceased at the time of death, the benefits are limited to 364 weeks.

Dependent Child, Grandchild and Other Eligible Parties

These benefits are limited to 364 weeks and the beneficiaries must show at least 20 percent dependency on the deceased worker. This includes the parents or stepparents of the deceased, a brother, sister, or grandparent. If at any time there are no eligible beneficiaries, or the eligible beneficiaries are no longer eligible and at least 364 weeks have not been paid by the insurance carrier, the remaining benefits are paid to the Subsequent Injury Fund administered by the Division.

For further assistance, call
1-800-252-7031

or visit

www.tdi.state.tx.us